

(9)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 1932	DATE	7/18/2000
CASE TITLE	WFS Financial, Inc. Vs. Luxury Motors, Inc. et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:
Memorandum Opinion and Order
DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant Luxury now moves to dismiss. We think the best way to get this case back on track is to grant the motion to dismiss, but with leave to amend within 21 days, and we so order. Status hearing set for August 15, 2000 at 9:45am.

- (11) ☒ [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.	<div style="font-size: 2em; font-weight: bold;">20:6 WA 61 JUL 00</div>	number of notices	<div style="font-size: 3em; font-weight: bold;">13</div>
	No notices required.		JUL 20 2000 <small>date docketed</small>	
	Notices mailed by judge's staff.		15 <small>docketing deputy initials</small>	
	Notified counsel by telephone.		date mailed notice	
	<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
	Mail AO 450 form.			
	Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials	Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WFS FINANCIAL, INC.,

Plaintiff,

vs.

LUXURY MOTORS, INC. and LATANYA
RUFFIN, an individual,

Defendants.

No. 00 C 1932


DOCKETED
JUL 20 2000

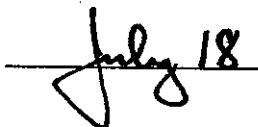
MEMORANDUM OPINION AND ORDER

According to the complaint defendant Ruffin signed a retail installment contract on or about December 21, 1998, to purchase a Mercedes automobile from Luxury Motors, Inc. (Luxury) with VIN number WBBGA5765WA782924. Luxury assigned the contract to plaintiff for \$60,056. But, says plaintiff, that automobile did not exist and no automobile was actually sold. It relies upon copies of the retail installment sales contract, a certificate of title from New Jersey, and certification from New Jersey of no record of title.

Defendant Luxury now moves to dismiss. It points out that the VIN number alleged in the complaint and the "no record" certification is not the VIN number of the contract and certificate of title, which is WDBGA57G5WA782924. Plaintiff acknowledges the error but, based upon its experience with the loan and two additional exhibits, it continues to claim that the subject automobile, with the corrected VIN number, did not exist.

We think the best way to get this case back on track is to grant the motion to dismiss, but with leave to amend within 21 days, and we so order.


JAMES B. MORAN
Senior Judge, U. S. District Court

, 2000.

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